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United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

Meat and Poultry  
Inspection  
Program

August 1983

# Issuances of the Meat and Poultry Inspection Program

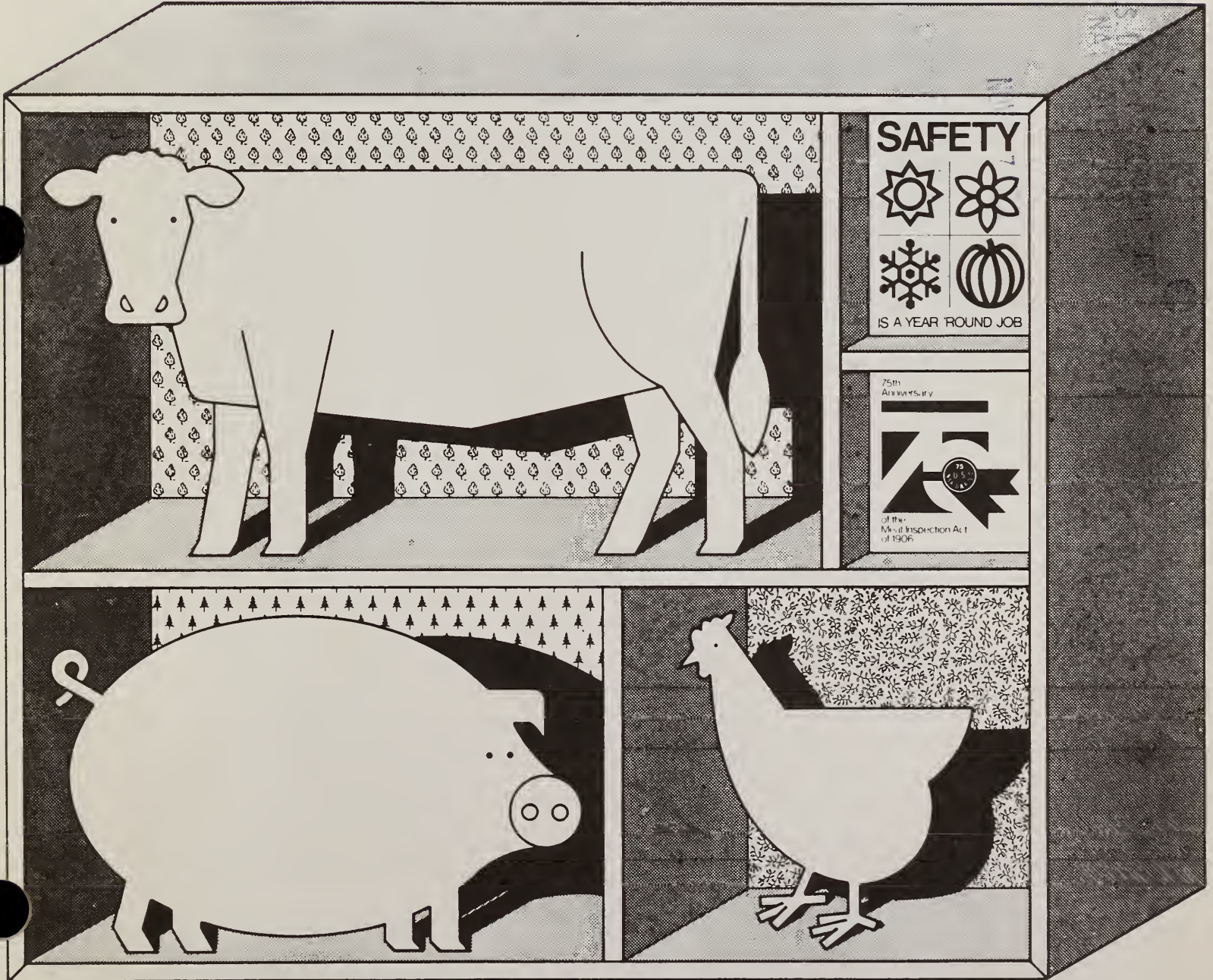






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**Food Safety and Inspection Service**

**9 CFR Parts 317, 319, and 381**

[Docket No. 78-733P]

**Labeling for Meat and Poultry Products With Cheese Substitutes; Revised Pizza Standard**

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Proposes rule.

**SUMMARY:** This document proposed to establish more informative labeling requirements by amending the Federal meat and poultry products inspection regulations on the labeling of cheese substitutes in meat and poultry products to more prominently identify the use of these substances. This document also proposes to amend the Federal meat inspection regulations on the standard of pizza to specify both a minimum cheese content of 6 percent of the total product and a minimum of 12 percent cheese and cheese substitute content in order to assure the marketing of these products in accordance with established consumer expectations. In addition, the pizza standard as it relates to the use of meat would be revised to clarify that only cooked meat or meat food products can be used. The revision would make the standard consistent with the requirement for sausage pizza.

**DATE:** Comments must be received on or before October 3, 1983.

**ADDRESS:** Written comments should be sent in duplicate to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 2637, South Agriculture Building, Washington, DC 20250. Oral comments provided under the Poultry Products Inspection Act should be directed to: Mr. Robert G. Hibbert, (202) 447-6042. (See also "Comments" under Supplementary Information.)

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert F. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12291**

This action has been reviewed in conformance with Executive Order 12291 and has been classified as not a

"major rule". It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**Effect on Small Entities**

The Administrator, Food Safety and Inspection Service (FSIS), has determined that this proposed rule will have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). An Initial Regulatory Flexibility Analysis has been prepared as a result of that determination and is available from Paul Ragan, Director Regulations Office, Policy and Program Planning, Food Safety and Inspection Service, U.S. Department of Agriculture.

The Regulatory Flexibility Act directs agencies to analyze the impact of their regulatory actions. If it is determined that an action would significantly affect a substantial number of small entities, agencies must prepare an Initial Regulatory Flexibility Analysis to identify (1) reasons why the Agency is considering the action, (2) the objectives and legal basis for the proposal, (3) the kind and number of small businesses affected, (4) the projected reporting, recordkeeping, and other compliance requirements, (5) Federal rules which may duplicate, overlap, or conflict with the proposal, and (6) significant alternatives which accomplish the stated objectives and minimize the economic impact of the proposal.

FSIS is taking this action as a result of industry petitions, consumer demands for informative labeling, and possible confusion between Food and Drug Administration (FDA) and USDA labeling policy on cheese substitutes. The objectives of the proposal are: (1) To ensure that meat pizzas meet consumers' expectation, i.e., contain some substantial level of cheese, (2) to require the product labels for meat/poultry food products containing cheese substitutes where cheese is an anticipated ingredient declare the presence of the substitutes, and (3) to



seek consistency between FDA's and FSIS's labeling policy on cheese, cheese substitute, and imitation cheese.

FSIS has determined that this proposal could impact on 50 percent of the pizza industry. The proposed labeling changes could result in higher first year costs for small pizza firms as opposed to larger firms because small firms have a higher percentage of approved labels. However, the costs of using natural cheese rather than a substitute to comply with the proposal should be the same for both large and small pizza firms.

FSIS considered six alternatives which would address one or more of the objectives. The alternatives considered were:

(1) Revise the pizza standard to require at least 12 percent natural cheese.

(2) Revise the pizza standard to require at least 12 percent cheese and cheese substitutes (optional) with a minimum of 6 percent natural cheese.

(3) Require all meat and poultry food products which use cheese substitute to declare the use of such ingredients in the product name.

(4) Require all meat and poultry food products to list ingredients as a percentage of the total weight versus order of predominance.

(5) Initiate an educational campaign to inform consumers about use of cheese and cheese substitutes in meat and poultry products.

(6) Revise the pizza standard to require at least 12 percent cheese and cheese substitute (optional) with a minimum of 6 percent natural cheese, and require informative labeling of cheese substitutes.

FSIS has reviewed each of the above alternatives and considers alternative 6 to be the most appropriate since it addresses all of the proposal's objectives. Although alternative 6 could have a substantial impact on some firms, the cost of new labels could be reduced by allowing firms to use existing labeling inventories over a reasonable phase-in period.

#### Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Office and should reference the docket number which appears in the heading. Any person desiring opportunity for an oral presentation of views should make such request to Mr. Robert Hibbert so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted

pursuant to this proposal will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

#### Background

Under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), any meat or poultry product whose labeling is false or misleading in any particular is "misbranded" within the meaning of the relevant statute. Under these Acts, the term "labeling" means labels and other written, printed, or graphic matter (1) upon any article or on any of its containers or wrappers, or (2) accompanying such article. Therefore, under the Acts, a meat or poultry product could be "misbranded" by, among other things, bearing false or misleading wording or pictorial vignettes on the label, or representing that certain ingredients are in the product when they are not.

Pizzas that include meat are a meat food product subject to the FMIA. Section 7(c) of this statute (21 U.S.C. 607(c)) authorizes the Secretary of Agriculture to prescribe standards of identity or composition for such products.

The Department's standard for pizza, since it was first adopted in 1970, has been modified only to permit the use of what is currently identified as mechanically separated (species). Section 319.600(a) of the Federal meat inspection regulations (9 CFR 319.600) states: "'Pizza with Meat' is a bread-based meat food product with tomato sauce, cheese, and meat topping. It shall contain cooked meat from not less than 15 percent raw meat. Mechanically Separated (Species) may be used in accordance with § 319.6." A similar definition is included in the regulations for "Pizza with Sausage" (319.600(b)), with the meat product content requirement being 12 percent cooked sausage or 10 percent dry sausage.

In 1973, the Animal and Plant Health Inspection Service, a predecessor agency of the Food Safety and Inspection Service (FSIS), published a proposal in the **Federal Register** to change the standard of composition for products labeled "pizza" (38 FR 16363). That proposal would have allowed the use of uncooked meat in pizza products and would have required that the currently unspecified content of cheeses in this food item be specified at 12 percent. In response to that proposal, the Department received 80 comments. Of the thirty-eight comments from consumers, approximately half opposed



the use of uncooked meat in such products, expressing concerns about its wholesomeness. Twenty-one processors commented, most of whom opposed the proposed 12 percent cheese requirement. A total of 21 additional comments were also received from State officials, trade organizations, congressmen, consumer organizations, and members of the academic community. Most of these expressed opposition to one or more of the proposal's provisions. A final rule on the 1973 proposal was not issued. The 1973 proposal is hereby withdrawn and superseded by this proposed rule.

In 1978 the Wisconsin Cheese Makers Association submitted a petition to amend the Department's standard of identity for pizza. That organization requested that pizzas containing cheese substitutes be clearly distinguishable from pizzas containing standardized varieties of cheese.

As the present standard indicates, cheese is an essential, characterizing ingredient of "pizza." But "cheese," as specified in § 319.600, is not further defined in the regulation. Consequently, pizza makers may use, and many are using, cheese substitutes to replace more expensive standardized varieties of cheese. Replacing some or all of the cheese with a cheese substitute must, by law, be reflected in the list of ingredients. However, the petition asserted that this form of labeling is insufficient to prevent consumers from being misled. Ingredient labeling, it argued, does not offset implicit and explicit labeling claims that the cheese substitute is "cheese" as defined in standard of identity regulations issued by the Food and Drug Administration (FDA). The appearance and texture of cheese substitute may not be easily distinguishable from standardized cheese when seen through the packaging, and carton vignettes may depict what appears to be a standardized cheese on the pizza.

If valid, the concerns raised by the Wisconsin Cheese Makers Association petition would appear to apply to any standardized meat or poultry product which contains cheese. Consumers may be deceived when cheese substitutes are used as ingredients in standardized meat or poultry products, especially when the cheese is a characterizing ingredient, unless the name of the product is descriptive enough to distinguish it from products containing standardized cheese.

For purposes of this proposed regulation, "cheese" is defined as a variety cheese subject to an FDA standard, e.g., "mozzarella" (21 CFR 133.155). Other cheese products are subject to FDA standards of identity,

e.g., pasteurized cheese foods and spreads, which may be further characterized by the name of variety cheeses, e.g., "pasteurized process roquefort cheese spread" (21 CFR 133.179). Still other products, including those most likely to be used as cheese substitutes on pizzas, are subject to no standard-of-identity regulations. FDA proposed standards for products which substitute for or resemble variety cheese on September 19, 1978 (43 FR 42118), but no final regulation has been published. Therefore, such products are merely required to bear a nonmisleading descriptive name or common or usual name (see 21 CFR 102.5). The one qualification is that products which substitute for or resemble a standardized product but are nutritionally inferior to that product must bear the term "imitation" (21 CFR 101.1(e)).

In 1979 the Department received another request to modify the pizza standard. Jenio F. Palucci, a pizza manufacturer, requested that the pizza standard be revised to provide for three new classes of pizza: (1) "Pizza with meat sauce," containing not less than 6 percent fresh meat, (2) "pizza flavored with meat sauce," containing no less than 3 percent fresh meat, and (3) "pizza," containing no less than 3 percent fresh meat. (There appears to be a typographical error in the petition since "pizza" and "pizza flavored with meat sauce" would have the same meat content as stated.) The petitioner asserted that this modification would allow a greater variety of wholesome products to be made available to the consumer.

On December 11, 1979, the Department published in the **Federal Register** (44 FR 71427) a notice seeking information from the public on the need for modification of the pizza standard, focusing upon the issues raised by these two petitions. In response to this notice, the Department received 222 comments. Of these, 184 comments favored a reduction in the amount of meat required in this product while seven comments were opposed to any such change. However, over 90 percent of those favoring such a change were food producers and their employees, and these comments were mainly in a standard form, without supporting analysis or data, indicating their agreement with Mr. Palucci's suggestion that the standard be revised. In addition, no data were presented regarding the nutritional and economic effect of reducing the meat content requirement for pizza with meat. One congressional comment also favored lowering the meat content requirement. The seven



comments received by the Department in opposition to reducing the meat content requirement were primarily from the pizza manufacturing industry.

There was more diversity in the comments received by the Department regarding the labeling of cheese substitutes in pizza. There were a total of 38 comments received which discussed this topic. Eight comments favored a continuation of the present policy of showing the use of cheese substitutes in the ingredients statement only. For example, the Central Soya Company of Fort Wayne, Indiana, indicated that the ingredients statement is sufficient to inform the consumer of the presence, absence, or variation in ingredients other than meat in the product. The remaining 30 comments supported some type of change in the regulation to distinguish those pizza products using cheese substitutes. Twenty-seven comments wanted to see the cheese-substitute disclosure appear as part of the main display panel of the product label, either as a qualifier to the name or as part of the product name, as in "imitation pizza." Three comments wanted only real cheese used in pizzas and consequently sought a prohibition of the use of substitutes. Twelve comments were received from industry associations, and only one suggested that the Department continue its present labeling policy with regard to the cheese ingredients in pizza.

The Department of Agriculture and Markets for the State of New York commented specifically on the cheese-substitute issue. It observed that milk and dairy products are particularly susceptible to imitation and that, therefore, consumer deception is an obvious concern of dairy farmers. It further observed that cheese is an expected and traditional part of the pizza, and recommended that the currently unspecified content of cheese in this food item should be specified at 12 percent. The comment also noted that it is the policy of the State of New York to preclude the use of cheese substitutes without "imitation" labeling or other prominent disclosure to prevent consumer deception.

The Pillsbury Company of Minneapolis, Minnesota, advised that it opposed the amendment with regard to cheese substitute labeling. It maintained that inherent in such a proposal is a suggestion that cheese substitutes are somehow "inferior" to natural cheese. The comment indicated that the company has researched extensively the organoleptic and nutritional qualities of cheese replacements. Under its findings, a comparison of nutritional values of

natural cheese to cheese substitute revealed little difference. The company indicated that, given the cost savings to manufacturers and consumers, consumer acceptance of "cheese substitute," and the relative nutritive equivalence of "cheese substitute," it saw no need to change the existing standard.

A May 20, 1980, letter to the Secretary of Agriculture signed by two United States Senators and 22 members of the House of Representatives urged revision of the pizza standard to require a minimum content of 12 percent cheese. They believed the current standard was no longer adequate to protect consumers. They further stated that the consumer buying frozen pizza expects the pizza to contain real milk cheese. However, they maintained that in today's market, pizzas are found to contain a combination of real cheese and a cheese substitute without the consumer being alerted to this combination other than through ingredients statement disclosure.

### **The Proposal**

(1) *The Pizza with Meat Standard.* The present standard for pizza with meat requires that pizza contain cooked meat made from not less than 15 percent raw meat. This aspect of the standard has caused confusion not only to the public but also to the processing industry. At the present time, there is some use of raw meat on pizza. Concern over the use of raw meat on pizza products, as proposed in 1973, was primarily from individual consumers who felt this would adversely affect the product's wholesomeness. These concerns were reiterated in some responses to the 1979 notice. The potential hazard of foodborne infection, e.g., salmonellosis, is reduced or eliminated in meat which is adequately cooked. Trichinosis is also prevented by the process of adequately cooking pork, which is an ingredient in most sausage pizzas.

In order to avoid confusion in the future by the public or industry, the Department is proposing that the standard be clarified, permitting only cooked meat or meat food products. The Department's records on approved labels include information that specifies percentages of the individual ingredients of product formulas. Such information on approved "pizza with meat" labels indicates that a requirement of not less than 12 percent cooked meat will be more meaningful and more easily understood. A 12-percent cooked-meat requirement does not reduce the amount of meat currently required for meat pizzas under the present standard.



which is cooked meat made from not less than 15 percent raw meat, and is consistent with the requirement for sausage pizza. The requirement would reduce or eliminate any potential hazard of foodborne infection.

The Department is not proposing to establish standards for new categories of products containing meat ingredients below this level. The longstanding meat-content requirement has served to establish definite consumer expectations regarding the amount of meat in meat pizzas. The Department does intend to continue its recently established policy of requiring pizzas containing less meat than provided for in the standard to bear appropriate, descriptive labeling to ensure that consumers are not misled into believing that they are standardized "meat pizzas." If nutritionally inferior to the standardized product, such a pizza must be labeled as an imitation of the standardized product. If not nutritionally inferior to the standardized product, it must be clearly identified as a substitute product by including on the label both the percentage of meat in the product and the percentage of meat in the standard. For example, a product that is not nutritionally inferior to the standardized product could be labeled as "pizza—contains 6 percent sausage; this is not 'sausage pizza' which contains 12 percent sausage." Comments on the continuation of this policy are being solicited by this document.

The pizza standard would also be revised to include more specific provisions regarding the use of cheese and cheese substitutes. While a minimum of 12 percent cheese or cheese and cheese substitute would be required, in no event could a pizza contain less than 6 percent cheese when a combination of cheese and cheese substitute is used. These proposed levels are designed to maintain a sufficient amount of cheese to characterize the product. Comments on this aspect of the proposal, especially those supported by research or survey data, are particularly welcome. Pizzas containing cheese substitute would also be labeled in accordance with the general labeling requirements for products containing cheese substitutes, as discussed more fully below. Certain varieties of cheese (and their substitutes), e.g., creamed cheese and cottage cheese, are not appropriate for use on pizza because of their high moisture content; these varieties would be specifically excluded by the standard. The standard would also be modified to clarify that optional ingredients such as vegetables are

permitted, and that the standard applies only to pizza products containing meat.

(2) *Descriptive Labeling of Products Containing Cheese Substitutes.* While the Department's review of this matter has centered on pizza products, concerns expressed about the use of cheese substitutes in pizzas are equally relevant to a wide variety of other meat or poultry products traditionally characterized by a cheese ingredient, but which contain cheese substitutes. The Department recognizes the possibility of consumer deception or misunderstanding from the use of such ingredients and believes that additional descriptive labeling is necessary. Therefore, this proposal would require that all meat and poultry products that would ordinarily contain cheese as a characterizing ingredient bear labeling that properly discloses the presence of cheese substitutes in order to assure that consumers are adequately informed about true time composition of the product.

Specifically, the proposal would require that when a product name includes the name of a cheese or the term "cheese," and the product contains a cheese substitute, the product name must include either the common or usual name of the substitute or the term "cheese substitute." If the substitute is nutritionally inferior to cheese, the name of the cheese substitute must include the word "imitation." The name of the cheese substitute would appear in the product name in the order of its predominance by weight, in the total product formula. For example, a "Ham and Cheese Spread," which in fact contained more cheese substitute than cheese, would be renamed under this proposal "Ham, Cheese Substitute and Cheese Spread;" "Beef and Cheese Turnover" containing cheese and a lesser amount of nutritionally inferior cheese substitute might be renamed "Beef, Cheese and Imitation Cheese Turnover."

The proposal would also require that products without a cheese reference or claim in the name, but that nonetheless would reasonably be expected to contain cheese, indicate the presence of any cheese substitute in a phrase qualifying the name, in print no less than one-half the size of the name. The phrase would declare the presence of the cheese substitute. If the product includes cheese and cheese substitute, the phrase would be "Contains \_\_\_\_\_ and \_\_\_\_\_," the blanks containing the name of the cheese and cheese substitute in their order of predominance, by weight, in the product.



The proposed disclosure requirement for substitute and imitation cheese ingredients would not affect current requirements for "imitation" labeling. Thus, for example, in addition to the disclosure statement concerning its cheese content, any standardized meat product whose required ingredients include "cheese" would still be required to bear "imitation" labeling, if the use of imitation cheese caused the product to be nutritionally inferior to the standardized product.

The Department is aware that the adoption of this proposal would necessitate some change in the labeling of products that contain cheese as a characterizing ingredient, which, in turn, might impose additional costs upon the manufacturers of these products. However, the Department believes that the establishment of these requirements is necessary in order to assure the proper labeling of the products. To allow the continuation of the status quo would serve to perpetuate an inconsistency between the Department's policies and those enforced by the FDA. It would also permit claims to be made regarding cheese in products which consist in large measure of substances which are not cheese and which are not derived from cheese. The Department would work with manufacturers to minimize the cost of this change by allowing reasonable time to deplete existing supplies of labels. Comments on how these concerns could be accommodated within a reasonable period of time would be valuable to the Department.

#### List of Subjects

##### 9 CFR 317

Meat inspection, Food labeling.

##### 9 CFR 319

Meat inspection, Standards of identity.

##### 9 CFR 381

Poultry products inspection, Food labeling, Standards of identity.

Accordingly, it is proposed to amend the Federal meat inspection regulations (9 CFR Parts 317 and 319), and the Federal poultry products inspection regulations (9 CFR Part 381) as set forth below:

#### PART 317—[AMENDED]

1. The authority citation for Parts 317 and 319 reads as follows:

**Authority:** 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438, 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Section 317.8(b) of the Federal meat inspection regulations (9 CFR 317.8(b))

would be amended by adding a new paragraph (35) to read as follows:

#### § 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

\* \* \* \* \*

(b) \* \* \*

(35)(i) When a product containing cheese includes in its name the name of a specific cheese or the term "cheese," any cheese substitute or imitation cheese used as an ingredient must also be indicated in the name of the product. Such ingredients shall appear in the product name, in identical type, in their order of predominance by formula weight. For example, the name of a sandwich spread formulated, in part, with 10 percent cheddar cheese and 15 percent cheddar cheese substitute, might be called "Ham, Cheddar Cheese Substitute and Cheddar Cheese Spread." If the cheese substitute were nutritionally inferior to cheese, the product might be called "Ham, Imitation Cheddar Cheese and Cheddar Cheese Spread."

(ii) When a product containing cheese substitute or imitation cheese does not declare "cheese" in the product name, but the product otherwise purports or would be reasonably expected to contain cheese, the product name shall be qualified by a phrase declaring that cheese, cheese substitute, or imitation cheese was used in formulating the product. The qualifying phrase "Containing — and —" shall be shown contiguous to the product name, in the same print style, in print not less than one-half the size of the product name. The blanks shall be filled in with the name of the cheese or the term "Cheese," and the name of the cheese substitute or the term "Cheese Substitute," as appropriate in order of predominance by formula weight. For example, "Sausage Pizza" would be qualified by "Containing Cheese Substitute and Cheese," in that order if the quantity of cheese substitute exceeded the quantity of cheese. If the cheese substitute were nutritionally inferior to cheese, the product would be qualified by "Containing Imitation Cheese and Cheese," in their order of predominance by formula weight.

(iii) For purposes of this regulation, the term "cheese" refers to any variety of cheese subject to a Food and Drug Administration (FDA) standard of identity regulation. The term "cheese substitute" refers to any ingredient that substitutes for or resembles any cheese. Pasteurized/processed cheese foods and cheese spreads, although also subject to FDA standard-of-identity regulations, shall be considered "cheese"



substitutes," if used together with, or in place of, a specific variety of cheese. Non-standardized "cheese substitutes" must be identified by a nonmisleading, descriptive name or common or usual name. The names of cheese substitutes that are nutritionally inferior to the cheese for which they substitute must include the term "Imitation," e.g., "Imitation Cheddar Cheese."

#### **PART 319—[AMENDED]**

3. Section 319.600 (9 CFR 319.600) would be revised to read as follows:

##### **§ 319.600 Pizza products containing meat.**

(a) Pizza products containing meat are bread-dough based products with a topping consisting of tomato sauce, cheese, and meat food product. The cheese may be supplemented by one or more cheese substitutes or imitation cheeses if labeled in accordance with the requirements of § 317.8(b)(35). Other safe and suitable ingredients, such as vegetables, may be used as flavoring or garnishment. The cheese and (optionally) cheese substitute(s) or imitation cheese(s) content shall in combination not be less than 12 percent, with the cheese not less than 6 percent, based on formula weight. Cheese shall not include creamed cheese, cottage cheese, dry curd cottage cheese, neufchatel cheese, cook cheese, skim milk cheese, ricotta or similar cheeses.

(b) Pizza products containing meat shall contain, on the basis of formula weight, not less than 12 percent cooked meat except that pizza products whose only meat ingredient is dry sausage, such as "pepperoni pizza," shall contain, on the basis of formula weight, not less than 10 percent dry sausage. The product name on the label of pizza products containing meat shall include the name of the meat or meat food product ingredients, e.g., "Sausage Pizza." Mechanically separated [Species] may be used in accordance with § 319.6 of this chapter.

#### **PART 381—[AMENDED]**

4. The authority citation for Part 381 reads as follows:

**Authority:** Sec. 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); and sec. 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91-224 and by other laws (33 U.S.C. 1254).

5. Section 381.129 of the Federal poultry products inspection regulations (9 CFR 381.129) would be amended by adding a new paragraph (d) to read as follows:

##### **§ 381.129 False or misleading labeling on containers.**

(d)(i) When a product containing cheese includes in its name the name of a specific cheese or the term "cheese," any cheese substitute or imitation cheese used as an ingredient must also

be indicated in the name of the product. Such ingredients shall appear in the product name in identical type, in their order of predominance by formula weight. For example, the name of a sandwich spread formulated, in part, with 10 percent cheddar cheese and 15 percent cheddar cheese substitute, might be called "Chicken, Cheddar Cheese Substitute and Cheddar Cheese Spread." If the cheese substitute were nutritionally inferior to cheese the product might be called "Chicken, Imitation Cheddar Cheese and Cheddar Cheese Spread."

(ii) When a product containing cheese substitute or imitation cheese does not declare "cheese" in the product name, but the product otherwise purports or would be reasonably expected to contain cheese, the product name shall be qualified by a phrase declaring that cheese, cheese substitute, or imitation cheese was used in formulating the product. The qualifying phrase "Containing — and —" shall be shown contiguous to the product name, in the same print style, in print no less than one-half the size of the product name. The blanks shall be filled in with the name of the cheese or the term "Cheese," and the name of the cheese substitute or the term "Cheese Substitute," as appropriate in their order of predominance by formula weight. For example, "Chicken Cordon Bleu" would be qualified by "Containing Cheese Substitute and Cheese," in that order if the quantity of cheese substitute exceeded the quantity of cheese. If the cheese substitute were nutritionally inferior to cheese, the product would be qualified by "Containing Imitation Cheese and Cheese," in their order of predominance by formula weight.

(iii) For purposes of this regulation, the term "cheese" refers to any variety of cheese subject to a Food and Drug Administration (FDA) standard of identity regulation. The term "cheese substitute" refers to any ingredient that substitutes for or resembles any cheese. Pasteurized/processed cheese foods and cheese spreads, although also subject to FDA standard-of-identity regulations, shall be considered "cheese substitutes," if used together with, or in place of, a specific variety of cheese. Nonstandardized "cheese substitutes" must be identified by a nonmisleading, descriptive name or common or usual name. The names of cheese substitutes that are nutritionally inferior to the cheese for which they substitute must include the term "Imitation," e.g., "Imitation Cheddar Cheese."

Done at Washington, D.C., on July 25, 1983.  
Donald L. Houston,  
Administrator, Food Safety and Inspection Service.

[FR Doc. 83-21409 Filed 8-4-83; 8:45 am]  
BILLING CODE 3410-01-M





# Proposed Rules

Federal Register

Vol. 48, No. 153

Monday, August 8, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR PARTS 325 and 381

[Docket No. 82-020P]

#### Transportation of Inedible Product for Use as Animal Food

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposal would amend the Federal meat and poultry products inspection regulations regarding the transportation, in commerce, of inedible products for use as animal food. The Federal meat inspection regulations currently provide three basic requirements for animal food prepared from carcasses of livestock prior to being transported in commerce: (1) It must be properly identified as an animal food, (2) it must not be represented as a human food, and (3) it must be denatured. However, the regulations further provide exemptions from the denaturing requirement. This proposal would continue to exempt animal food ingredients from the denaturing requirement if clearly labeled, in a specified manner, as animal food. The proposal would also establish comparable animal food provisions and exemptions in the poultry products inspection regulations. These regulations currently require only that animal food prepared from poultry carcasses be denatured prior to transportation in commerce. These proposed changes are in response to a petition from the Pet Food Institute.

**DATE:** Comments must be received on or before October 7, 1983.

**ADDRESS:** Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments as provided under the Poultry

Products Inspection Act should be directed to Mr. R. W. Gonter, (202) 447-7745. (See also "Comments" under Supplementary Information.)

#### FOR FURTHER INFORMATION CONTACT:

Mr. R. W. Gonter, Director, Compliance Division, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7745.

#### SUPPLEMENTARY INFORMATION

##### Executive Order 12291

The Agency has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. This proposal would provide more flexible regulations on the labeling and preparation of animal food products containing meat or poultry products and continue to provide assurance that the products intended for use in animal food do not enter into human food channels. This proposed rule would not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

##### Effect on Small Entities

The Administrator, FSIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as determined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If promulgated, it would allow more flexibility for the affected industry in the labeling and preparation of animal food products containing meat or poultry ingredients.

##### Comments

Interested persons are invited to submit comments concerning this notice. Written comments should be sent in duplicate to the Regulations Office and should reference the docket number located in the heading of this document. Any person desiring an opportunity for an oral presentation of views should make such request to Mr. Gonter so that arrangements may be made for such views to be presented. A transcript will

be made of all oral presentations. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

### Background

Under the Federal Food, Drug, and Cosmetic Act, the food and Drug Administration (FDA) has primary authority over regulating the production of animal food (21 U.S.C. 321(f), 341). However, the U.S. Department of Agriculture is responsible, under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), for assuring that meat and poultry and products made therefrom not intended for use as human food do not enter into commerce unless they are denatured or otherwise identified as inedible products.

Section 325.11(d) of the Federal meat inspection regulations (9 CFR 325.11(d)) sets forth certain requirements for the transportation in commerce of animal food prepared wholly or in part from material derived from livestock carcasses. The regulations provide three basic requirements for such animal food before allowing it to be transported in commerce: (1) It must be properly identified as animal food, (2) it must not be represented as being a human food, and (3) it must be denatured as prescribed in § 325.13(a) (2) of the Federal meat inspection regulations (9 CFR 325.13(a) (2)).

In addition, § 325.11(d) allows exemptions from the denaturing of animal food, provided that the animal food (1) consists solely of processed livestock byproducts (such as meat meal, tankage, meat and bone meal, blood meal and feed grade animal fat), or (2) contain less than 5 percent of parts or products of livestock carcasses and is not represented as a human food product, or (3) is packaged in hermetically sealed, retort processed, conventional retail-size containers and bears on its label the name of the article (e.g., "Dog Food") in letters at least three times as high, wide, and thick, and as contrasting in color with their background, as the letters in any words denoting the use of carcass-derived ingredients.

No explicit requirements are contained in the poultry products

inspection regulations for producing animal food consisting of undenatured poultry or poultry products. Section 381.193 of the poultry products inspection regulations (9 CFR 381.193) requires only that poultry carcasses and parts and products thereof not intended for human food must be denatured, as prescribed in § 381.95 of the regulations, and marked "Not for human food" prior to being transported in commerce.

### PFI Petition

The Food Safety and Inspection Service (FSIS) has recently been petitioned by the Pet Food Institute (PFI) to modify the Federal meat and poultry products inspection regulations relating to the transportation of inedible product for use in the production of animal food. In its petition, PFI contends that the Federal meat and poultry products inspection regulations are not consistent with other rules equally applicable to pet food labeling and impose requirements unnecessary to protect the public. Specifically, PFI has petitioned for the following changes:

1. As previously mentioned, animal food products are exempt from denaturing when such products contain less than 5 percent of parts or products of livestock carcasses. PFI has suggested that the "less than 5 percent" amount of meat be raised to "less than 10 percent," consistent with the guidelines of the Association of American Feed Control Officials (AAFCO). AAFCO guidelines prescribe that in products containing less than 10 percent carcass-derived ingredient(s), the name(s) of such ingredient(s) may not form a part of the product name. PFI contends that such labeling would not present any confusion to consumers concerning the meat content and, thus, would justify the increase.

Under the FMIA, FSIS has an obligation to regulate the control of undenatured inedible meat products to assure that such products do not enter into human food channels. Permitting products containing twice as much undenatured meat as is currently allowed under the regulations to be exempt from FSIS control could hinder FSIS's ability to carry out its responsibilities to the public in this regard. In addition, there is no apparent correlation between the current "less than 5 percent" exemption and the AAFCO guidelines. Therefore, FSIS has determined not to propose an increase in the amount of meat permitted in animal food exempt from denaturing. However, FSIS welcome any additional evidence on this point.



2. Current Federal meat inspection regulations provide that animal food need not be denatured if the name of the article, e.g., "Dog Food," appears on the label in a conspicuous manner. In this instance, "conspicuous" means lettering three times as high, wide, and thick as letters denoting livestock carcass claims. This rule was intended to preclude any possible confusion between pet food and human food.

PFI has proposed that FSIS eliminate the requirement that the article be named an animal food, e.g., "Dog Food," provided that terms referencing the product as animal food, such as "Dog Food" or "For Cats," are stated on the label in letters at least as large as those required in the quantity-of-content declaration. PFI contends that the risk of confusion between animal food and human food arises only if animal food is labeled in a manner similar to human food; e.g., "Beef Tips." Therefore, if any such labeling is to be prominently shown on the animal food label, PFI recommends that pet food manufacturers comply with one of the following requirements:

(1) Include on the principal display panel a prominent vignette of the animal for which the food is intended; or

(2) Include a second pet use claim on the label in addition to the required animal food reference, such as "100% complete and balanced nutrition for your dog"; or

(3) Make the animal food reference half the size of the meat reference appearing adjacent to it.

PFI asserted that their labeling approach was based on the Food and Drug Administration general principles for common or usual names (21 CFR 102.5).

FSIS appreciates PFI's concerns and agrees that the regulations need to be updated to better accommodate today's industry practices. However, at the same time, FSIS's primary concern must be its statutory responsibilities and how best to execute them.

Current industry labeling practices for animal food products have raised concern about consumers' confusing animal food for human food, particularly when the name of the animal food is similar or identical to a human food, e.g., "Beef Stew" and "Chunky Beef Dinner." Such terms do not clearly denote the intended use as animal food, and some consumers may mistake the animal food for human food.

Therefore, in response to the PFI petition, FSIS is proposing that animal food need not be denatured if the name of the article clearly denotes the article's intended use as animal food and

appears on the label in a conspicuous manner. Two methods of labeling for that purpose are proposed:

(1) The name of the article may be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food") in letters at least twice as high, wide, and thick as the letters indicating the presence of any meat ingredients; or

(2) The name of the article may be stated on the label to indicate the presence of meat ingredients (e.g., "Horsemeat for Pets" or "Beef Stew for Dogs") provided that the entire name is stated on the main display panel, whether on one line or more, and the letters denoting the article's intended use as animal food are at least as high, wide, and thick as the letters indicating the presence of meat ingredients, and provided further that if a vignette is used on the label, the letters stating the article's intended use must be at least one-half as high, wide, and thick as the letters used in the article's name indicating the presence of meat or poultry ingredients but not less than  $\frac{1}{8}$  inches high.

Furthermore, it is proposed that the letters used to denote the intended use must contrast as markedly with their background as the letters indicating the presence of meat ingredients.

FSIS believes this proposal would provide the pet food industry needed flexibility in the handling of its raw materials without sacrificing the needed identification of food not intended for human consumption. At the same time, it would encourage clearer pet food labeling.

3. As previously discussed, the poultry products inspection regulations do not contain requirements for producing animal food consisting of undenatured poultry or poultry products. PFI has petitioned FSIS to establish poultry products inspection regulations comparable to the meat inspection regulations. This would provide for consistent regulations of animal foods regardless of whether they contain meat or poultry.

FSIS agrees that comparable poultry inspection regulations should be established. Basically, FSIS is proposing that animal food prepared from poultry or poultry products may be exempted from denaturing if the animal food (1) consists solely of processed poultry byproducts (such as poultry byproduct meal and hydrolyzed poultry feathers), or (2) contains less than 5 percent of parts or products of poultry carcasses, or (3) is packaged in hermetically sealed, retort processed, conventional retail-size containers and retail-size



packages, and the name of the article clearly conveys the intended use as animal food and appears on the label in a conspicuous manner. The revisions discussed earlier regarding the meat inspection regulations are also proposed for the poultry products inspection regulations.

#### **List of Subjects**

##### **9 CFR Part 325**

Meat inspection, Transportation

##### **9 CFR Part 381**

Poultry products inspection,  
Transportation.

#### **The Proposal**

FSIS is proposing to revise the Federal meat and poultry products inspection regulations as follows:

#### **PART 325—[AMENDED]**

1. The authority citation for Part 325 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438 (21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254).

2. Section 325.11(d)(3) would be revised to read as follows:

#### **§ 325.11 Inedible articles: Denaturing and other means of identification; exceptions.**

\* \* \* \*

(d) \* \* \*

(3) Notwithstanding the provisions of paragraph (d)(1) of this section, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semimoist animal food need not be denatured in accordance with § 325.13(a)(2) if the name of the article clearly conveys the article's intended use for animal food and appears on the label in a conspicuous manner.

(i) Except as provided in paragraph (d)(3) (ii) or (iii) of this section, the name of the article must be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food" or "Cat Food"). To be considered conspicuous, the name of the article, wherever it appears on the label, must be in letters at least twice as high, wide, and thick as the letters indicating the presence in the article of any ingredients derived from the carcasses of livestock.

(ii) Notwithstanding the provisions of paragraph (d)(3)(i) of this section, the article's name may be stated on the label to show that it is or contains livestock-source material and that the article is for animals; e.g., "Horse meat for Pets" or "Beef Stew for Dogs": Provided, That the entire name of the article is stated, wherever it appears on the label, as an individual, contiguous

unit, whether stated on a single line or more than one line, and the letters denoting the article's intended use for animal food are at least as high, wide and thick as the letters indicating the presence of material derived from any livestock carcass: And further, Provided, That when the label bears on its main panel a vignette which pictures, in clearly recognizable form and size, one or more animals of the species for which the article's name indicates the article is intended, the letters used to state the article's intended use are at least one-half as high, wide, and thick as the letters used in the article's name or other letters indicating the presence of material derived from any livestock carcass, but not less than 1/8 inches high. The letters used to state the article's intended use may be separated from the article's name by the vignette.

(iii) Letters used to denote the intended use of the article must contrast as markedly with their background as the letters indicating the presence on the article of livestock carcass-source material contrast with their background.

\* \* \* \*

#### **PART 381—[AMENDED]**

3. The authority citation for Part 381 reads as follows:

Authority: 71 Stat. 441, as amended, 21 U.S.C. 451 *et seq.*, 33 U.S.C. 1254.

4. Section 381.193 would be revised to read as follows:

#### **§ 381.193 Poultry carcasses, etc., not intended for food.**

(a) Except as provided in paragraph (b) of this section, poultry carcasses, and parts of products thereof, that are not intended for use as human food may, after they have been denatured as prescribed in § 381.95, be shipped from any official establishment and in commerce even though they do not comply with all the provisions of the regulations, provided they are marked "Not fit for human food." These requirements do not apply to parts of poultry carcasses that are naturally inedible by humans, such as entrails.

(b)(1) Except as provided in paragraph (b) (2), (3), and (4) of this section, no animal food prepared, in whole or in part, from materials derived from the carcasses of poultry in an official establishment or elsewhere, shall be transported in commerce, unless:

(i) It is properly identified as animal food;

(ii) It is not represented as being human food; and

(iii) It has been denatured as prescribed in § 381.95 so as to be readily

distinguishable from an article of human food.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, any processed and packaged animal food that consists of less than 5 percent of parts or products of the carcasses of poultry and that is not represented by labeling or appearance or otherwise as being a human food or as a product of the poultry industry need not be denatured in accordance with § 381.95.

(3) Notwithstanding the provisions of paragraph (b)(1) of this section, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semi-moist animal food need not be denatured in accordance with § 381.95 if the name of the article clearly conveys the article's intended use for animal food and appears on the label in a conspicuous manner.

(i) Except as provided in paragraph (b)(3)(ii) or (iii) of this section, the name of the article must be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food" or "Cat Food"). To be considered conspicuous, the name of the article, wherever it appears on the label, must be stated in letters at least twice as high, wide, and thick as the letters indicating the presence in the article of any ingredients derived from carcasses of poultry.

(ii) Notwithstanding the provisions of paragraph (b)(3)(i) of this section, the article's name may be stated on the label to show that it is or contains poultry carcass-source material and that the article is for animals; e.g., "Chicken for Pets" or "Turkey Dinner for Cats": Provided, That the entire name of the

article is stated, wherever it appears on the label, as an individual, contiguous unit, whether stated on a single line or more than one line, and the letters denoting the article's intended use for animal food are at least as high, wide, and thick as the letters indicating the presence of material derived from any poultry carcass: And further, Provided, That when the label bears on its main panel a vignette which pictures, in clearly recognizable form and size, one or more animals of the species for which the article's name indicates the article is intended, the letters used to state the article's intended use are at least one-half as high, wide, and thick as the letters used in the article's name or other letters indicating the presence of material derived from any poultry carcass, but not less than 1/8 inches high. The letters used to state the article's intended use may be separated from the article's name by the vignette.

(iii) Letters used to denote the intended use of the article must contrast as markedly with their background as the letters indicating the presence in the article of poultry carcass-source material contrast with their background.

(4) The requirements of this part do not apply to any animal food which does not consist of any parts or products of the carcasses of poultry, or to livestock or poultry feed which does not consist of any such articles other than processed poultry byproduct (such as poultry byproducts meal, hydrolyzed poultry feathers, and hydrolyzed poultry byproducts aggregate).

Done at Washington, DC, on June 1, 1983.  
Donald L. Houston,  
*Administrator, Food Safety and Inspection Service.*





UNITED STATES DEPARTMENT OF AGRICULTURE  
Food Safety and Inspection Service  
Meat and Poultry Inspection Operations  
Washington, DC 20250

MPI BULLETIN 83-30-A  
6-30-83

INFORMATION FOR: MPI Employees and Interested Parties

CHECKLIST OF MPI BULLETINS

This checklist includes active bulletins published on or before June 30, 1983, and obsolete bulletins canceled March 31, 1983, through June 30, 1983. Bulletins not appearing on this list (except those published after June 30, 1983) are obsolete and should be removed from active files.

NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
11 6/23/72	Plant Operating Schedules Working Conditions, Poultry Plants	FO/A S-12, S-13, ES-14, S-15, ES-16, ES-16, ES-16-1, ES-16-2, S-17, S-18 (Poultry Plants)
211 2/20/73	New Weight Compliance	PLS/G Q
263 4/6/73	Waste Disposal Permit	FO/B P,Q,U-2
367 8/1/73	Meat Trimmings	PLS/H Q,P,T,U U-2
388 8/10/73	Meat Trimmings	PLS/H Q,P,T,U
392 8/10/73	Cured Meat Product Labeling	PLS/F Q,P,T, U-U-2

DISTRIBUTION:  
Issuances

CATEGORY: A,  
GENERAL

OPI: REGULATIONS  
OFFICE

NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
418 8/31/73	Labeling Standards for Certain Cooked Sausages	PLS/F Q,P,T,U-U-2
456 10/19/73	Warm Cut-up and Deboning of Poultry	ISR/D Q
553 1/2/74	Extension of Time for Cured Meat Product Labeling	PLS/F Q,P,T,U-U-2
563 1/2/74	Labeling Frozen Dinners	PLS/F Q,P,T,U-U-2
586 1/24/74	Certified Pork--Trichinae Control by Refrigeration	ISR/G Q,P,T,U-U-2
611 2/14/74	Exports of Horsemeat to the United Kingdom	FPS/J P,Q,T,U-U-1
616 2/22/74	MPI Bulletin 367	IC/H Q,P,T,U-U-2
619 2/25/74	MPI Directive 918.1, Poultry Carcass Inspection Program	ISR/C Q
629 3/5/74	Sorbitol in Cooked Sausages	PLS/G Q,P,T,U-U-2
648 3/20/74	Sampling Method for Establish- ment Not Using the Online Plan for Ready-to-Cook Young Chickens	ISR/C Q,P,T,U-U-2
650 3/19/74	Labeling Meat and Poultry Products with Nonmandatory Features at Locations Other than Official Establishments	PLS/F Q,P,T,U-U-2
670 4/12/74	Operations, Procedures and Equipment	PFE/B Q,P,T,A,I,J, K,L,M,N,O
742 6/21/74	Procedures for Controlling Temperatures of Smoking and/or Drying Rooms in Plants Processing Country Cured Pork Products	ISR/G Q,T,U-U-2



NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
784 8/5/74	Poultry Carcass Inspection Program--Mature Chickens	ISR/C All MPI Codes
800 9/4/74	Procedures for Controlling Temperatures of Smoking and/or Drying Rooms in Plants Proc- essing Dry-Cured Pork Products	ISR/G Q,P,T,U,U-U-2
809 9/10/74	Perishable, Heat Processed Canned Meat Products	PLS/G Q,P,S,U-U-2
75-3 1/2/75	Control of Canning Oper- ations Conducted at Official Establishments	ISR/G Q,P,S,T,U-U-2
75-4 1/2/75	Flexible or Semirigid Retortable Packages	ISR/PLS/F P,Q,S,T,U-U-2
75-56 3/21/75	Poultry Carcass Inspection Program--Turkeys	ISR/C A-O P,Q,S,T,U-U-2
75-105 7/15/75	Asbestos Filters	PFE/B A-O,P,Q,S,U-U-2
76-29 2/20/76	Canning Operations and Critical Control Factors	ISR/G A-O,P,Q,S,T,U,U-2
76-123 8/3/76	MPI-APHIS Management and Communication System Coordination	WSDS/A A-O,Q
76-145 9/8/76	Classification of religious (Buddhist) Requirement	ISR/A A-O,P,Q,S,U,U-2
76-179 11/17/76	Inspection Requirements for Certain Uncured Beef Products	ISR/G A-O,P,Q,S,T,U,U-2

NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
77-19 2/9/77	Water Reuse	SDS/B A-O,P,Q,S,U
77-34 3/16/77	Chemical Disinfection in Lieu of 180° F. Water	SDS/B (Issuances)
77-65 5/13/77	Thirty-Thirty Test for Percent Pump	SDS/G A-O,P,Q,S,U,U-2
77-66 5/17/77	Energy	PFE/A (Issuances)
77-71 5/24/77	Random Sampling Requirements for Residue Monitoring	SS/K A-O,P,Q,S
77-76 6/8/77	Cheesefurter Samples for Added Water Compliance	SS/K A-O,P,Q,S
77-91 6/29/77	Minimum Count	TS/G A-O,P,Q,S,U
77-92 7/6/77	The Implementation of the National Interim Primary Drinking Water Regulations and Their Effect on the Meat and Poultry Inspection Program	PFE/B A-O,P,Q,S,U,U-2
77-114 8/26/77	Residue Sampling Requirements	SS/K A-O,P,Q,S,U-2
77-129 11/11/77	Water Conservation and Sanitation	SDS/B (Issuances)
78-16 2/7/78	MPI Directives Checklist	IC/A M90,M07-M12,M50
78-32 3/14/78	Grade Specifications for Product Purchased Under Government Contract	FSR/F M90,M09-M12, M93-M95,M50
78-35 3/16/78	Establishment Numbers	WSDS/A M90,M09,M10



NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
78-40 3/28/78	Disposition of Contaminated Poultry Carcasses	ISR/C M90,M09-M12,M25 M29,M93
78-48 4/19/78	Sequenced Inspection	ISR/C M90,M09-M12,M25,M29
78-62	Bacon Sampling Program	MPI/DA/G M90,M09-M12,M22, M28,M32,M50
78-63 6/6/78	Implementing Bacon Regulations	PLS/G M90,M09-M12,M22,M28 M32,M50
78-72 7/14/78	Label Approval for Product Intended for Export	PLS/F M90,M09-M12,M94
78-74 7/14/78	Implementation of the Bacon Regulations and Sampling Programs	TS/D/G M90,M09-M12,M22,M28, M32,M50
78-84 8/8/78	Alerting Food and Drug Administration of Repeat Violators	SS/K M90,M09-M12,M50
78-85	Bacon Sampling Requirements-- Monitoring and Confirmation	MPI/DA/G M90,M09-M12,M22,M28 M32,M50,M04
78-86 8/8/78	Bacon Sampling Requirements-- Retention Phase	MPI/DA/G M90,M09-M12,M22,M28 M32,M50,M04
78-87 8/10/78	Inspection of Contract Specification Program	FO/G M90,M09-M12,M94,M95 M50
78-95 9/7/78	Reporting Swine Sulfonamide Violations	FO/K M90,M09-M10

NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
78-105 10/16/78	Stork Continuous Type Retorts	PFE/B M90,M09-M12,M94,M50
78-107 10/19/78	Labeling Poultry Breasts	FO/F M90,M09-M12,M15,M17
78-110 10/26/78	Labeling of Proprietary Mixtures	PLS/F M90,M09-M12,M27,M28, M50
78-111 10/26/78	Reinspection of Poultry Necks and Giblets	AM&PMI/C M90,M09-M12,M25
78-128 11/27/78	Export of Equine Meat	FPS/J M90,M09-M12,M25,M27
78-129 12/1/78	Cooked Beef from Argentina	FPS/J M90,M09-M11,M14,M04
78-133 12/5/78	Conditions of Use of Accepted Equipment	PFE/B M90,M09-M12,M94,M95, M50
79-2 1/8/79	Silicone Sealants and Adhesives	SCI/B M90,M09-M12,M94,M50
79-31 4/12/79	Post-Mortem Inspection, Young Chickens	TS/C M90,M09-M12
79-33 4/30/79	Boneless Meat Reinspection of Reconditioned Lots	PPIS/G M90,M09-M12,M18,M28 M50



NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
79-40 5/4/79	Modified Traditional Inspection	TS-API/C M90,M09-M12,M92,M94
79-42 5/7/79	Poultry Carcass Inspection Program-Ducks	TS-API/C M90,M09-M12,M50,M94
79-45 5/10/79	Abnormal Cans and Process Deviations	PPIS/K M90,M09-M12,M15,M18, M94
79-51 5/10/79	Dissemination of Laboratory Results	FO/A M90,M92
79-63 6/13/79	FSQS Form 6200-1	SCI/I M90,M09-M12,M04
79-65 6/19/79	Spray-on Polyurethane	PFE/B M90,M09-M12,M94,M95, M50
79-68 6/21/79	Use of Iodine in Processing Water	FESS/B M90,M09-M12,M94,M50
79-72 7/11/79	Carcass Reinspection--Turkey	SISP-TS/C M90,M09-M12,M25
79-75 7/23/79	Protection of Potable Water Supply on Official Premises	FESS/B M90-M09-M12,M94
79-83 8/3/79	Swab Test on Premises	SCI/K M90,M09-M12,M94,M04

NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
79-87 8/14/79	Poultry Parts with Abdominal Muscle	FPS/J M90,M10,M11,M14,M04
79-91 8/23/79	Utilization of Energy	FESS/B M90,M09-M12,M94
79-99 9/26/79	Mailing to Residue Samples	DA-MPI/K M90,M09-M12,M25,M26, M04
79-105 10/2/79	Use of Plastic Strip Doors	FESS/B M90,M09-M12,M93-M95, M50
79-111 11/8/79	The Reuse of Brine on Product in Impervious Containers	FESD/G M90,M09-M12,M28
79-113 11/19/79	Export Shipments to Singapore Transiting Hong Kong	FPS/J M90,M09-M12,M94
79-115 11/28/79	Testing of Canadian Pork for Sulfonamide Residues	FPS/J M90,M09-M11,M14,M04
80-1 1/22/80	Correction to MPI Bulletin 77-114	RES/K M90,M09-M12,M50
80-4 1/29/80	Sampling Plan for Turkey Carcasses with Necks	TS/SISP/C M90,M09-M12,M25
80-5 1/29/80	Export of Poultry to U.S. Forces in West Germany	FPS/J M90,M09-M12,M25,M27
80-10 2/25/80	Use of Additional Unidentified Microbial Inhibitors Info. from Laboratories	FO/K M90,M09-M12,M04



NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY LIST. CODES
80-15 3/13/80	Change in Residue Records Sent to Residue Evaluation and Surveillance Division, Science	FO/K M90,M09-M12,M04
80-18 3/18/80	Treatment of Meat with Chlorinated Water	FESD/B M90,M09-M12,M94,M50
80-20 3/21/80	Export of High-Quality Beef to the European Economic Community (EEC)	FPS/FO/J M90,M09-M12,M26,M28
80-26 4/29/80	Export of High-Quality Beef to the European Economic Community (EEC)	FPS/FO/J M90,M09-M12,M26,M28
80-27 5/5/80	Diagnostic Pathology Laboratories	SCI/K M90,M09-M12,M04
80-31 6/18/80	Guidelines for the Disposition of Gall-Contaminated Giblets	TS/C M90,M09-M12,M15,M94
80-32 6/18/80	Use of Bovine Tongues to Remove Loose Hair from Carcasses	D M90,M09-M12,M16,M26
80-38 7/15/80	Reduction of Injuries	SCI/K M90,M10-M12,M50
80-40 8/5/80	Clarification of MPI Bulletin 80-1	SCI/K M90,M09-M12,M50
80-46 9/3/80	Preparation of Companion Samples for Chemical Analyses	SCI/K M90,M09-M12,M04
80-48 9/19/80	Submission of Weekly MP Forms 403 and 404	IEDM/I M90,M09-M12,M16,M18, M20,M22,M28,M31,M32
80-53 10/24/80	Export of Fresh Beef to Australia	FPD/J M90,M09-M12,M26,M28

NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
80-59 11/12/80	STOP Reporting Problems	SCI/K M90,M09-M12,M04
80-67 12/5/80	January 1, 1981, Changeover Date for MPI Form 404 Quarterly Reporting	IEDM/I M90,M09-M12,M28
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81-9 2/11/81	Humidify STOP Incubators	SCI/K M90,M09-M12
81-14 3/30/81	Submission of Samples for Biological Residue Analyses	SCI/K M90,M09-M12,M04
81-19 5/11/81	Export Certificates for Military Supply depots in U.S.	ECS/J M90,M09-M12,M94
81-35 8/6/81	Slaughter Dates on Product for Export	ECS/J M90,M09-M12,M94

NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
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81-37 8/20/81	Export of Poultry Products to the Netherlands	ECS/J M90,M09-M12,M25,M27
81-38 8/27/81	Equipment & Procedure Requirements for Processing Gizzards	SISP/C M90,M09-M12,M94
81-40 8/31/81	Meat Branding Ink	SCI/F M90,M09-M12,M94
81-41 8/31/81	Label Declaration for FD&C Yellow No. 5	SLD/F M90,M09-M12,M94
81-46 9/23/81	Export of Fresh/Frozen Meat and Meat Byproducts to the Netherlands	FPD/ECS/J M90,M09-M12,M26,M28
81-47 9/30/81	Water Conservation - Poultry Chilling	MPIO/D M90,M09-M12,M25
81-48 10/5/81	Sources of Water for Reuse in Washing and/or Rinsing of Live- stock Pens	MPITS/FESD/B M90,M09-M12,M94
81-49 10/5/81	Nine Digit Zip Code	MPITS/SLD/F M90,M09-M12,M94
81-50 10/5/81	Delivery/Purchase Order Numbers on Export Certificates for Military	FPD/ECS/J M90,M09-M12,M94
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81-53 11/16/81	Application for Approval of Labeling	MPITS/SLD/F M90,M09-M12,M94



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81-56 11/27/81	Export of Rendered Animal Fats and Tallow to Australia	MPIO/ECS/J M90,M09-M12,M94
81-57 12/15/81	Export of Meat and Poultry Product to South-West Africa/Namibia	MPIO/ECS/J M90,M09-M12,M94
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82-5 2/10/82	Export of Casings to Chile	ECS/J M90,M09-M12,M94
82-9 2/26/82	Export of Ducks to Singapore	ECS/J M90,M09-M12,M25,M27
82-14 3/30/82	Control of U.S. "Refused Entry" Meat and Poultry Products	MPIO/J M90,M09-M12,M14,M94
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NUMBER/ DATE	SUBJECT	ORIG. STAFF CATEGORY DIST. CODES
82-20 4/20/82	Reimbursable Services Reference Guide	MPIP/PMSS/A M90,M09-M12
82-21 4/28/82	Trichinae Treatment	PPID/G M90
82-22 4/28/82	Inhumane Handling of Livestock	SISP/D M90,M09-M12,M16,M50
82-23 4/28/82	Inspection of STOP Plates	MPI/RO/K M90,M09-M12,M26
82-25 5/5/82	Meat Plants Eligible to Export to Italy	ECS/J M90,M09-M12,M26,M28
82-26 5/11/82	Number of Trimmers Required at the MTI Outside Inspection Station	SISP/K M90,M09-M12,M15,M94
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82-32 6/7/82	Brand Requirement for Export to Italy	IP/ECS/J M90,M09-M12,M26
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82-36 7/2/82	Revised Inspection Procedures for Export of Frozen Tongues, Hearts and Meat Byproducts to Belgium	IP/ECS/J M90,M09-M12,M26,M28
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82-40 8/6/82	New Export Certificates - Implemen- tation October 1, 1982	IP/ECS/J M90,M15-M18,M92,M93, M94,M95
82-42 8/26/82	Export of Horsemeat to Austria	IP/ECS/J M90,M09-M12,M26,M28
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82-48 9/12/82	Updated Listing of Organizational Codes for Areas and Circuits	PMSS/I M90,M09-M12,M04
82-49 9/17/82	Labeling Meat Quality and Yield Grade of Beef	MPIO/F M90,M09-M13,M26,M28
82-51 9/28/82	Poultry Plants Eligible to Export to the Federal Republic of Germany (FRG)	IP/ECD/J M90,M09-M12,M25,M27
82-53 11/8/82	Cut-up Poultry Packed in Nonperforated Containers	MPITS/SISPD M90,M09-M12,M25
82-54 11/8/82	Laboratories for Species Determina- tion of Boneless Meat	SCI/K M90,M09-M12,M94,M50, M04
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82-58 11/18/82	Labeling of Proprietary Mixtures	MPITS/SLD/F M90,M09-M12,M27,M28



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82-65 12/22/82	Meat Plants Eligible to Export to West Germany (FRG)	IP/ECD/J M90,M09-M12,M26,M28
82-67 12/22/82	Ground Beef Chunk and Ground Beef Round	MPITS/SLD/F M90,M09-M12,M26,M28
83-2 1/4/83	Export of Special Cut-up Beef to the Netherlands	IP/ECD/J M90,M09-M12,M26,M28
83-3 1/4/83	Submission of Surveillance Samples for Biological Residue Analyses	SCI/K M90,M09-M12,M21
83-5 1/10/83	Export of Poultry Feet to Singapore (Revised)	IP/ECD/J M90,M09-M12,M25,M27
83-6 1/14/83	Change of laboratory Director for Midwestern Laboratory	SCI/K M90,M09-M12,M04
83-7 1/27/83	"Pseudorabies-Trichinosis Survey; Sample Collection Requirements"	MPIO/K M90,M09-M12,M20,M26


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83-8 1/24/83	Preoperative Sanitation in Slaughter Departments-- Voluntary QC	MPITS/FESD/B M90,M09-M12,M94
83-9 2/10/83	Japan Requires Use of Updated Export Document	IP/ECD/J M90,M09-M12,M26,M28
83-10 2/11/83	Canadian Style Bacon	MPITS/SLD/H M90,M09-M12,M26,M28
83-11 2/22/83	Correction to Part 27	MPIO/J M90,M09-M12,M14,M94
83-12 2/22/83	Correction to MPI Bulletin 83-5	IP/ECD/J M90,M09-M12,M25,M27
83-13 3/2/83	Preoperational Sanitation Inspec- tion in Poultry Slaughter Plants	MPIO/D M90,M09-M12,M25
83-14 3/3/83	Monitoring Chlorine Concentra- tions Used in Official Estab- lishments	MPITS/FESD/B M90,M09-M12,M94
83-15 3/3/83	Automatic Poultry Eviscerators	MPITS/FESD/B M90,M09-M12,M25
83-16 3/3/83	Reuse of Water or Brine Cooling Solutions on Product Following a Heat Treatment	MPITS/FESD/G M90,M09-M12,M94
83-17 3/8/83	Poultry Plants Eligible to Export to United Kingdom (U.K.)	IP/ECD/J M90,M09-M12,M25,M27
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83-21 4-1-83	Prior Labeling Approval System; Final Rule	MPITS/SLD/F M90,M09-M12,M94
83-22 4-1-83	Export of Roast Beef to the United Kingdom	IP/ECD/J M90,M09-M12,M26,M28
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83-25 4-26-83	Additional Requirements for Plants Exporting to Canada	ECD/IP/J M90,M09-M12,M94
83-26 5-10-83	Coding Requirements for Laboratory Forms	PMSS/I M90,M09-M12,M04,M05
83-27 5-13-83	New Animal Health Certificate for EEC Member Countries	ECD/IP M90,M09-M12,M26,M28
83-28 5-19-83	Reports Required for Poultry Cut-up, Further Processed, and Further Processed as Whole Carcasses	MP10/I M90,M09-M12,M25
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83-30 6-1-83	Sample Collection Requirements for Bovine Paratuberculosis Culture Survey	MPITS/SISP/K M90,M09-M12,M26



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76-6	A
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79-69	G
79-85	J
81-12	J
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82-11	K
82-41	G
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82-68	I
83-1	J
83-19	K
83-19A	A

  
Paul Ragan, Director  
Regulations Office

UNITED STATES DEPARTMENT OF AGRICULTURE  
Food Safety and Inspection Service  
Meat and Poultry Inspection  
Washington, D.C. 20250

## **Meat and Poultry Inspection Manual**

Date: August 1983

### MAINTENANCE INSTRUCTIONS

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There are no manual changes this month.





UNITED STATES DEPARTMENT OF AGRICULTURE  
Food Safety and Inspection Service  
Meat and Poultry Inspection  
Washington, DC 20250

MEAT AND POULTRY INSPECTION REGULATIONS

Date: AUGUST 1983

Change Number: 83-7/8\*

MAINTENANCE INSTRUCTIONS

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SUBCHAPTER A - MEAT INSPECTION REGULATIONS

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SUBCHAPTER C - POULTRY PRODUCTS INSPECTION REGULATIONS

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Effective Date:

Approval of Substances-- 8/17/83

\*Includes changes for July and August.



(§ 318.6(b)(3) continued)

papain or bromelain or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(4) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(5) Testicles if handled as an edible product may be shipped from the official establishment as such, but they shall not be used as an ingredient of a meat food product.

(6) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(7) Blood from livestock prepared in accordance with § 310.20 of this subchapter may be used as an ingredient of a meat food product for which a standard is prescribed in Part 319 of this subchapter, if permitted by such standard, and may be used in any meat food product for which no such standard is prescribed in Part 319 of this subchapter if it is a common and usual ingredient of such product.

(8) Intestines shall not be used as ingredients in any meat food product for which a standard is prescribed in Part 319 of this subchapter and shall not be used in other products unless the products are labeled in accordance with § 317.8(b)(30) of this subchapter.

(9) Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when identified as having been inspected and passed for wholesomeness by the Department under the regulations in 7 CFR Part 59 or 9 CFR Part 362 or 381 and when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat food products.

(10) Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when produced in a plant approved by the Department under the regulations in 7 CFR Part 58, and when found to be sound and otherwise acceptable when presented for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

(11) All isolated soy protein used in products prepared in any official establishment shall contain not more and not less than 0.1 percent titanium incorporated as food grade titanium dioxide and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

(12) Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in § 318.16.

#### § 318.7 Approval of substances for use in the preparation of product.

- \* (a) (1) No substance may be used in the preparation of any product  
\* unless it is approved in paragraph (c)(4) of this section or elsewhere in  
Part 318 or in Part 319 of this subchapter, or by the Administrator in  
specific cases.

\*  
\*



(§ 318.7 (a) continued)

(2) Approval of new substances or new uses or new levels of use of approved substances may be granted by the Administrator if:

(i) The substance has been previously approved by the Food and Drug Administration (FDA) for use in meat or meat food products as a food additive, color additive, or as a substance generally recognized as safe and is listed in Title 21 of the Code of Federal Regulations, Parts 73, 74, 81, 172, 173, 182 or 184.

(ii) Its use is in compliance with applicable FDA requirements; and

(iii) The Administrator has determined that:

(A) The use of the substance will not render the product in which it is used adulterated or misbranded or otherwise not in compliance with the requirements of the Act; and

(B) Its use is functional and suitable for the product and it is permitted for use at the lowest level necessary to accomplish the stated technical effect as determined in specific cases.

(3) Whenever the Administrator determines that approval of a new substance or new use or new level of use of an approved substance should be granted in accordance with paragraph (a)(2) of this section, the Administrator shall issue a final rule amending the chart of substances in paragraph (c)(4) of this section to include the additional substance or new use of the substance, and any technical effect or change in level of use of the substance.

(4) No product shall bear or contain any substance which would render it adulterated or misbranded, or which is not approved in Part 318 or Part 319 of this subchapter, or by the Administrator in specific cases.

(b) Requirements for the use of nitrite and sodium ascorbate or sodium erythorbate (isoascorbate) in bacon.

(1) With respect to bacon: Sodium nitrite shall be used at 120 parts per million (ppm) ingoing or an equivalent amount of potassium nitrite shall be used (148 ppm ingoing); and 550 ppm of sodium ascorbate or sodium erythorbate (isoascorbate) shall be used. Sodium ascorbate or sodium erythorbate have a molecular weight of approximately 198. Hydrated forms of these substances shall be adjusted to attain the equivalent of 550 ppm of sodium ascorbate or sodium erythorbate.

(2) The Department shall collect samples of bacon from producing plants and analyze them for the level of nitrosamines by the thermal energy analyzer (TEA). In the event that a TEA analysis indicates that a confirmable level of nitrosamines might be present, additional samples shall be collected and analyzed by gas chromatography. Presumptive positive results must be confirmed by mass spectrometry before being considered positive. If, during the interval required for the Department to analyze the confirmatory samples by gas chromatography and mass spectrometry, changes are made in processing procedures which are expected to result in no confirmable levels of nitrosamines in bacon produced by these new procedures, an establishment may submit samples to USDA for analysis upon prior notification and arrangements with USDA. If, how-

(§ 318.7(b)(2) continued)

ever, an establishment furnishes USDA with laboratory results from testing five consecutive lots of bacon produced under the new procedures and the testing is performed by the USDA methodology and procedures, those results will be utilized in making the determination concerning the product produced under the new procedures. Should the results of these tests reveal that confirmable levels of nitrosamines are not indicated in any of the five consecutive lots, the confirmation analysis by USDA shall be terminated and the establishment shall revert to normal monitoring status. In the event the test results continue to indicate nitrosamines, however, USDA shall proceed in its confirmation analysis on the original samples taken for confirmation. If any one of the original samples collected by USDA for confirmation is found to contain confirmable levels of nitrosamines, all bacon in the producing establishment and all future production will be retained. The Department shall sample and analyze such retained bacon for nitrosamines on a lot by lot basis. A production lot shall be that bacon produced by the establishment in any single shift. Samples from any lot of bacon under retention found to contain nitrosamines at a confirmable level shall cause the lot of bacon to be disposed of in a manner to assure it will not form nitrosamines when cooked. Such disposal may include incorporation of the uncooked bacon as an ingredient of another meat food product provided it is processed for eating without further preparation in a manner to preclude the formation of nitrosamines. Bacon subsequently produced shall not be retained because of nitrosamines if the operator of the establishment makes adjustments in the processing of the product and laboratory results obtained by TEA analysis of samples from five consecutive normal sized lots of bacon indicates that the product being produced contains no confirmable levels of nitrosamines. These tests from five consecutive normal sized lots of bacon shall be conducted by the Department: Provided, however, That if the establishment furnishes the Department with the results of tests conducted under the methodology and procedures used by the Department, such test results will be utilized in making the determination concerning the nitrosamine content of the product. All tests of bacon for nitrosamines under this subparagraph shall be made on bacon cooked at 340° F. for 3 minutes on each side. In order to determine that no confirmable levels of nitrosamines are present in the sample tested, the testing must be performed by methodology and procedures that would detect the presence of any nitrosamines at 10 ppb.

(c) Under appropriate declaration as required in Parts 316 and 317 of this subchapter, the following substances may be added to products:

(1) Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph (4) of this paragraph may be added to products under conditions, if any, specified in this part or in Part 317 of this subchapter.

(2) Other harmless artificial flavorings may be added to products with the approval of the Administrator in specific cases.

(3) Coloring matter and dyes other than those specified in the chart in subparagraph (4) of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Administrator in specific cases. When any coloring matter or dye is applied to casings, there shall be

(§ 318.7(c)(3) continued)

no penetration of coloring into the product. When any coloring matter or dye is added to meat fat shortening containing artificial flavoring, the product shall be packed in conventional, round shortening containers having a capacity no greater than 3 pounds.

(4) The substances specified in the following chart are acceptable for use in the preparation of products, provided they are used for the purposes indicated, within the limits of the amounts stated and under other conditions specified in this part and Part 317 of this subchapter. In addition to the substances listed in the following chart, Part 319 of this subchapter specifies other substances that are acceptable in preparing specified products.



Class of substance	Substance	Purpose	Products	Amount
			Dried meats.	0.01 percent on basis of total weight in combination with antioxidants.
	Malic acid.	do	Lard and shortening.	do.
	Monoisopropyl citrate.	To increase effectiveness of antioxidants.	Lard, shortening, oleomargarine, fresh pork sausage, dried meats.	0.02 percent.
	Phosphoric acid.	do	Lard and shortening.	0.01 percent.
	Monoglyceride citrate.	do	Lard, shortening, fresh pork sausage, dried meats.	0.02 percent.

<sup>1</sup> These are proprietary products, and a list thereof can be obtained from Scientific Services, Meat and Poultry Inspection, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

<sup>2</sup> Information as to the specific products for which use of this substance is approved may be obtained upon inquiry addressed to Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) No substance may be used in or on any product if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore:

(1) Paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat food products, such as chopped and formed steaks or patties; or in any other meat food products consisting of fresh meat (with or without seasoning), except chorizo sausage and except other meat food products in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in Part 319 of this subchapter.

(2) Sorbic acid, calcium sorbate, sodium sorbate, and other salts of sorbic acid may not be used in cooked sausage or any other product; sulfurous acid and salts of sulfurous acid may not be used in or on any product and niacin or nicotinamide may not be used in or on fresh product; except that potassium sorbate, propylparaben (propyl p-hydroxybenzoate), calcium propionate, sodium propionate, benzoic acid, and sodium benzoate may be used in or on any product only as provided in the chart in § 318.7(c)(4) or as approved by the Administrator in specific cases.

\* (Approved by the Office of Management and Budget under OMB #0583-008.)

\*

§ 318.8 Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.

(a) Preservatives and other substances not permitted in domestic product under the regulations in this subchapter may be used in the preparation and packing of product intended for export provided the product (1) accords to the specifications or directions of the foreign purchaser; (2) is not in conflict with the laws of the country to which it is intended for export; and (3) is labeled on the outside container to show that it is intended for export, and is otherwise labeled as required by this subchapter for such export product.

(b) The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the inspector in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservatives and other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under Program lock. Use of the preservatives or other substances shall be under the direct supervision of a Program employee.

(c) The packing of all articles under paragraph (a) of this section shall be conducted under the direct supervision of a Program employee.

(d) No article prepared or packed for export under paragraph (a) of this section shall be sold or offered for sale for domestic use or consumption, but unless exported shall be destroyed for food purposes under the direct supervision of a Program employee.

(e) The contents of the container of any article prepared or packed for export under paragraph (a) of this section shall not be removed, in whole or in part, from such container prior to exportation, except under the supervision of a Program employee. If such contents are removed prior to exportation, then the article shall be either repacked, in accordance with the provisions of paragraphs (b) and (c) of this section, or destroyed for food purposes under the direct supervision of a Program employee.

(f) Permission must be obtained from the Administrator before meats packed in borax are shipped from one official establishment to another or to

(§ 381.147(d) continued)

such Act (Subchapter A of this chapter) and are so marked. Poultry products containing pork must be treated to destroy possible live trichinae by one of the methods prescribed in section 318.10(c) of the meat inspection regulations (9 CFR 318.10(c)), or in lieu of such treatment the pork ingredient may be so treated.

(e) All isolated soy protein used in poultry products processed in any official establishment shall contain not more and not less than 0.1 percent titanium, incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

(f)(1) No substance may be used as an ingredient or otherwise in the processing of any raw or cooked poultry product unless its use is approved as shown in Table 1 of paragraph (f)(4) of this section, or elsewhere in this part, or by the Administrator in specific cases.

(2) Approval of new substances or new uses or new levels of use of approved substances may be granted if:

(i) The substance has been previously approved by the Food and Drug Administration (FDA) for use in poultry or poultry products as a food additive, color additive or as a substance generally recognized as safe and is listed in Title 21 of the Code of Federal Regulations, Parts 73, 74, 81, 172, 173, 182, or 184.

(ii) Its use is in compliance with applicable FDA requirements; and

(iii) The Administrator has determined that:

(A) The use of the substance will not render the product in which it is used adulterated or misbranded or otherwise not in compliance with the Act; and

(B) Its use is functional and suitable for the product and it is permitted for use at the lowest level necessary to accomplish the desired technical effect as determined in specific cases.

(3) Whenever the Administrator determines that approval of a new substance or a new use or new level of use of an approved substance should be granted in accordance with paragraph (f)(1) of this section, the Administrator shall issue a final rule amending Table 1 of paragraph (f)(4) of this section to include the additional substance or new use of the substance, and any technical effect or change in the level of use of the substance.

(4) No poultry product shall bear or contain any substance which would render it adulterated or misbranded, or which is not approved in Part 381 or by the Administrator in specific cases.

(Approved by the Office of Management and Budget under OMB #0583-008.)

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Department of Agriculture**

**Food Safety and Inspection Service  
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